

CIT.14661

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**JERMAINE JACKSON,**

*Plaintiff,*

**vs.**

**ABRAHAM SOLOMON ARAYA and  
SNA TRUCKING, LLC**

*Defendants.*

§  
§  
§  
§  
§  
§  
§  
§  
§

**CIVIL ACTION NO. 3:22-cv-2  
JURY DEMAND**

**DEFENDANTS ABRAHAM SOLOMON ARAYA AND SNA TRUCKING, LLC'S  
NOTICE OF REMOVAL**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Defendants Abraham Solomon Araya and SNA Trucking, LLC in the above entitled and numbered cause, and file this Notice of Removal of the above-captioned case. Removal is based on 28 U.S.C. § 1332 (diversity jurisdiction) and is authorized by 28 U.S.C. §§ 1441 and 1446.

**I. BACKGROUND**

1. On September 1, 2021, Plaintiff Jermaine Jackson filed his Original Petition in the 14<sup>th</sup> Judicial District Court, Dallas County; Cause No. DC-21-12138 against Defendant Abraham Solomon Araya. On October 1, 2021, Plaintiff Jermaine Jackson filed his First Amended Petition in the 14<sup>th</sup> Judicial District Court, Dallas County; Cause No. DC-21-12138 adding SNA Trucking, LLC as an additional Defendant alleging negligence against both parties.
2. Plaintiff Jermaine Jackson is a citizen of the State of Texas.

3. Defendant Abraham Solomon Araya is a citizen of the State of North Carolina.
4. Defendant SNA Trucking, LLC is a foreign limited liability company doing business in the State of Texas with its principal office and place of business located in the State of North Carolina.
5. Plaintiff's Original Petition and First Amended Petition, filed contemporaneously herewith, states that the amount of damages sought is more than \$1,000,000.

## **II. BASIS FOR REMOVAL**

6. Removal is proper under 28 U.S.C. § 1332(a) because Plaintiff's suit is a civil action in which this Court has original jurisdiction over the parties, based upon diversity jurisdiction under 28 U.S.C. § 1332. This action is removable to this Court pursuant to the provisions of 28 U.S.C. § 1441(b) because Plaintiff is a citizen of the State of Texas, Defendant Abraham Solomon Araya is a citizen of the State of North Carolina and Defendant SNA Trucking, LLC is organized in the State of North Carolina and doing business in the State of Texas. Additionally, the amount in controversy exceeds \$75,000.

### **A. Complete Diversity Exists.**

7. For diversity purposes, a person is considered a citizen of the state where that person is domiciled. Plaintiff is a person and domiciled in the State of Texas. Defendant SNA Trucking, LLC is not domiciled in the State of Texas, but rather formed in North Carolina, doing business in the State of Texas. Defendant Abraham Solomon Araya is a citizen and resident of the State of North Carolina.
8. Because the Plaintiff, Defendants Abraham Solomon Araya and SNA Trucking, LLC, do not share in citizenship in any state, removal is proper on diversity grounds.

9. All Defendants are now, and were at the time of the removed action was commenced, diverse in citizenship from the Plaintiff. 28 U.S.C. § 1332.

10. All Defendants consent to this Removal.

**B. The Amount in Controversy Exceeds \$75,000.**

11. As previously stated, Plaintiff filed his Original Petition on September 1, 2021 and First Amended Petition on October 1, 2021. Plaintiff identified the amount in controversy to be over \$1,000,000.

12. Accordingly, Plaintiff seeks damages beyond the threshold amount of \$75,000, establishing an amount in controversy over \$1,000,000.

13. Accordingly, because this notice of removal has been filed within the time available after Plaintiff provided his Original and First Amended Petition, providing his claim for relief, this removal is proper and timely under 28 U.S.C. § 1446(b)(3).

14. The United States District Court for the Northern District of Texas, Dallas Division, embraces Dallas County, Texas, the place where the state court action was filed and is pending.

15. The live pleadings before the state court are Plaintiff's Original Petition, Plaintiff's First Amended Petition, Defendant Abraham Solomon Araya's Original Answer and Defendant SNA Trucking, LLC's Original Answer. No other motions are pending before the state court.

16. All pleadings, process, orders served upon Defendants in the state court action are attached to this Notice as Exhibit "A," as required by 28 U.S.C. § 1446(a).

17. Defendants Abraham Solomon Araya and SNA Trucking, LLC hereby demand a trial by jury in accordance with the provisions of FED. R. CIV. P. 38.

**WHEREFORE, PREMISES CONSIDERED,** Defendants Abraham Solomon Araya and SNA Trucking, LLC, as parties diverse with the Plaintiff, respectfully request that this action be immediately and entirely removed upon filing of this Notice of Removal to the United States District Court for the Northern District of Texas, Dallas Division, and for such other and further relief to which they may show themselves to be justly entitled in equity or law.

Respectfully submitted,

**FEE, SMITH, SHARP & VITULLO, L.L.P**

*/s/ Daniel M. Karp*

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**DANIEL M. KARP**

State Bar No. 24012937

[dkarp@feesmith.com](mailto:dkarp@feesmith.com)

Three Galleria Tower

13155 Noel Road, Suite 1000

Dallas, Texas 75240

(972) 934-9100

(972) 934-9200 [FAX]

**ATTORNEYS FOR DEFENDANTS  
ABRAHAM SOLOMON ARAYA AND  
SNA TRUCKING, LLC**



**CERTIFICATE OF SERVICE**

In accordance with the Federal Rules of Civil Procedure, I hereby certify that on this the 3<sup>rd</sup> day of January, 2022, a true and correct copy the foregoing instrument was served on the following counsel of record authorized by Federal Rule of Civil Procedure 5(b)(2):

**Via ECF**

MICHAEL STREICH  
State Bar No. 24079408  
CHARLES M. STAM  
State Bar No. 24106462  
Zehl & Associates, PC  
2700 Post Oak Blvd., Suite 1000  
Houston, TX 77056  
713-491-6064  
713-583-8545 (Fax)  
[mstreich@zehllaw.com](mailto:mstreich@zehllaw.com)  
[cstam@zehllaw.com](mailto:cstam@zehllaw.com)  
**COUNSEL FOR PLAINTIFF**

/s/ Daniel M. Karp  
**DANIEL M. KARP**

DC-21-12138

CAUSE NO. \_\_\_\_\_

JERMAINE JACKSON,	§	IN THE DISTRICT COURT OF
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	DALLAS COUNTY, TEXAS
	§	
ABRAHAM SOLOMON ARAYA	§	
	§	14th
<i>Defendants.</i>	§	_____ JUDICIAL DISTRICT

**PLAINTIFF'S ORIGINAL PETITION**

Plaintiff Jermaine Jackson files this Original Petition complaining of the acts or omissions of Defendant Abraham Solomon Araya, and respectfully shows the Court as follows:

**I.  
DISCOVERY CONTROL PLAN LEVEL**

1. Plaintiff intends that discovery be conducted under Discovery Level 3.

**II.  
PARTIES & SERVICE**

2. Plaintiff Jermaine Jackson is an individual residing in Texas. He may be contacted through his counsel of record, ZEHL & ASSOCIATES, P.C.

3. Defendant Abraham Solomon Araya may be served at 4780 Old Lantern Way, Charlotte, North Carolina 28212, or wherever else he may be found. Plaintiff requests a citation.

**III.  
MISNOMER/ALTER EGO**

4. If any parties are misnamed or not included here, Plaintiff contends that such an omission is a "misidentification," "misnomer," or an "alter ego" of the parties named here.

**IV.  
JURISDICTION & VENUE**

5. The subject matter in controversy is within the jurisdictional limits of this Court.

**Exhibit "A"**

6. This Court has personal jurisdiction over Defendant because all or a substantial part of the events giving rise to this dispute occurred within the State of Texas.

7. Venue is proper and maintainable in Dallas County, Texas, under Section 15.002(a)(1) of the Texas Civil Practice and Remedies Code because it is where all or a substantial part of the events or omissions giving rise to the claim occurred.

## **V. FACTS**

8. On August 19, 2021, at around 12:35 p.m., Plaintiff was driving a 2016 Dodge Charger at the 33900 block of Interstate Highway 20 in Dallas County, Texas. Meanwhile, Defendant Abraham Solomon Araya was driving a 2013 Freightliner tractor trailer one lane to the left of Plaintiff.

9. Mr. Araya attempted an illegal lane change. Rather than turning from the right lane, he turned right from the left lane, striking Mr. Jackson's Charger and causing its airbag to deploy.



A photograph depicting Plaintiff's Charger after the wreck.

10. Mr. Araya, in attempting an unsafe lane change with a semi-trailer on a 60 MPH road—created a dangerous hazard that seriously injured Plaintiff, which is why investigating

officer J. Juarez of the Dallas County Sheriff's Department faulted Mr. Araya for causing the wreck, observing that Mr. Araya had attempt "an unsafe lane change."

**VI.  
NEGLIGENCE**

11. Plaintiff incorporates all other paragraphs by reference here fully.

12. Mr. Araya, the driver of a commercial motor vehicle, had a duty to exercise the degree of care that a reasonably careful and prudent person would use to avoid harm to others under circumstances like those described above.

13. Mr. Araya's negligent, careless, and reckless disregard of this duty proximately caused Plaintiff's injuries.

14. The negligent, reckless, and careless disregard of this duty consisted of, but is not limited to, these acts and omissions:

- a. failing to keep proper lookout for Plaintiff's vehicle that a person of ordinary prudence would have maintained under the same or similar circumstances;
- b. failing to apply the brakes to his motor vehicle in a timely and prudent manner or wholly failing to apply his brakes in order to avoid the collision;
- c. making an improper, erratic, and unsafe lane change in violation of § 545.060 of the Texas Transportation Code;
- d. failing to control speed in violation of § 545.351 of the Texas Transportation Code;
- e. failing to make a prudent evasive maneuver to avoid a motor vehicle collision;
- f. violating the Texas Transportation Code;
- g. violating the Federal Motor Carrier Safety Regulations; and
- h. other acts considered negligent, as discovery of this case will reveal.

**VII.  
GROSS NEGLIGENCE**

15. Plaintiff incorporates all other paragraphs by reference here fully.

16. Plaintiff respectfully would show that Mr. Araya's gross negligence, acting by and through its employees, agents, drivers, officers, and representatives in the course of employment, caused Plaintiff's injuries and damages.

17. Plaintiff would continue to show that these acts and omissions, when viewed from the standpoint of Mr. Araya, involved an extreme degree of risk, considering the probability and magnitude of the potential harm to Plaintiff and others. Mr. Araya had actual, subjective awareness of the risks of its conduct, but still proceeded with conscious indifference to the rights, safety, or welfare of Plaintiff and others.

18. Thus, Mr. Araya is grossly negligent and should face exemplary damages.

**VIII.  
DAMAGES**

19. Plaintiff incorporates all other paragraphs by reference here fully.

20. As a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiff has suffered severe injuries and incurred these damages:

- a. Reasonable medical care and expenses in the past. Plaintiff incurred these expenses for the necessary care and treatment of his injuries resulting from the incident complained of here and such charges are reasonable and were usual and customary charges for such services;
- b. Reasonable and necessary medical care and expenses which, in all reasonable probability, Plaintiff will incur;
- c. Physical pain and suffering in the past and in the future;
- d. Physical impairment in the past, which, in all reasonable probability, Plaintiff will continue to suffer from in the future;
- e. Mental anguish in the past and in the future;



- f. Disfigurement in the past and in the future;
- g. Cost of medical monitoring and prevention in the future;
- h. Lost wages in the past;
- i. Loss of future earning capacity which Plaintiff will probably suffer; and
- j. All other damages to which Plaintiff shows entitlement in law or equity through the course of this proceeding.

**IX.  
EXEMPLARY DAMAGES**

21. Plaintiff incorporates all other paragraphs by reference here fully.

22. The acts or omissions described above, when viewed from the standpoint of Defendant at the time of the act or omission, involved an extreme degree of risk, considering the probability and magnitude of the potential harm to Plaintiff and others. Defendant had actual, subjective awareness of the risk involved in these acts or omissions, yet proceeded with conscious indifference to the rights, safety, or welfare of Plaintiff and others.

23. Based on these facts, Plaintiff requests exemplary damages.

**X.  
RULE 47 STATEMENT OF MONETARY RELIEF SOUGHT**

24. Plaintiff prefers to have the Jury determine the fair amount of compensation for Plaintiff's damages. It is too early in the case to assess the full nature and scope of Plaintiff's injuries and the effect they will have. Plaintiff, therefore, requests that the Jury decide the appropriate amount of Plaintiff's compensation.

25. Because, however, Texas Rule of Civil Procedure 47 *requires* Plaintiff to identify the amount of monetary relief sought, Plaintiff preliminarily requests over \$1,000,000 in damages.

**XI.  
NOTICE OF INTENT TO USE DISCOVERY AT TRIAL**

26. Under Texas Rule of Civil Procedure 193.7, Plaintiff gives notice that he intends to use all discovery instruments produced in discovery at trial. Such discovery instruments include, but are not limited to, all documents Defendant has produced in response to written discovery requests.

**XII.  
JURY TRIAL**

27. Plaintiff requests a trial by jury on all claims and has paid or will pay the jury fee.

**XIII.  
CONCLUSION & PRAYER**

For these reasons, Plaintiff Jermaine Jackson requests that Defendant Abraham Solomon Araya be cited to appear and answer and that, upon a final hearing of the cause, the Court enter judgment for Plaintiff against Defendant for damages in an amount within the jurisdictional limits of the Court; exemplary damages, excluding interest, as allowed by section 41.008 of the Texas Civil Practice and Remedies Code, together with prejudgment interest (from the date of injury through the date of judgment) at the maximum rate allowed by the law; post judgment interest at the legal rate; costs of court; and such other relief which the Court determines Plaintiff may be entitled at law or in equity.

Respectfully submitted,

/s/ Charles M. Stam

Michael Streich

Texas State Bar No. 24079408

[mstreich@zehllaw.com](mailto:mstreich@zehllaw.com)

Charles M. Stam

Texas State Bar No. 24106462

[cstam@zehllaw.com](mailto:cstam@zehllaw.com)

ZEHL & ASSOCIATES, PC

2700 Post Oak Blvd., Suite 1000

Houston, Texas 77056

Telephone 713.491.6064

Facsimile 713.583.8545

**ATTORNEYS FOR PLAINTIFF**





Zehl & Associates PC

Galleria Tower I  
2700 Post Oak Blvd., Suite 2000  
Houston, Texas 77056  
Main: (713) 491-6064  
Facsimile: (713) 583-8545  
www.zehllegal.com

FILED  
9/1/2021 10:58 AM  
FELICIA PITRE  
DISTRICT CLERK  
DALLAS CO., TEXAS  
Gaylene DEPUTY

August 30, 2021

DC-21-12138

14th

Envelope/Case number 56750432

Re: Jermaine Jackson v. Abraham Solomon Araya; Request for Issuance of Service

Dear District Clerk:

Please find enclosed Plaintiff's request for Issuance of Service.

Sincerely,  
**ZEHL & ASSOCIATES, PC**

Lila Sheffer  
Paralegal

**Exhibit "A"**

**Request for Issuance of Service**

**CAUSE NUMBER:** \_\_\_\_\_

**STYLE:** **JERMAINE JACKSON V. ABRAHAM SOLOMON ARAYA**

**Name of Document(s) to be Served:** Plaintiff's Original Petition

**Issue Service to:** Abraham Solomon Araya

**Address of Service:** 4780 Old Lantern Way, Charlotte, NC 28212

**Agent (if applicable):** \_\_\_\_\_

**Type of Service/Process to be Issued:** Citation

**Service by:** E-Issuance by District Clerk

**Issuance of Service Requested by:** Michael E. Streich, Esq.

**Bar #:** 24079408

**Mailing Address:** 2700 Post Oak Blvd., Suite 1000, Houston, TX 77056

**Phone Number:** 713-491-6064

**FORM NO. 353-3 - CITATION  
THE STATE OF TEXAS**

**To: ABRAHAM SOLOMON ARAYA  
4780 OLD LANTERN WAY  
CHARLOTTE NC 28212**

**GREETINGS:**

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org. Your answer should be addressed to the clerk of the **14th District Court** at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **JERMAINE JACKSON**

Filed in said Court **1st day of September, 2021** against

**ABRAHAM SOLOMON ARAYA**

For Suit, said suit being numbered **DC-21-12138**, the nature of which demand is as follows:  
Suit on **MOTOR VEHICLE ACCIDENT** etc. as shown on said petition, a copy of which accompanies this citation.  
If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.  
Given under my hand and the Seal of said Court at office this 8th day of September, 2021.

ATTEST: FELICIA PITRE, Clerk of the District Courts of Dallas, County, Texas

By , Deputy  
COURTNEY RUTLEDGE



**ESREVE**

**CITATION**

**DC-21-12138**

**JERMAINE JACKSON  
vs.  
ABRAHAM SOLOMON ARAYA**

**ISSUED THIS  
8th day of September, 2021**

FELICIA PITRE  
Clerk District Courts,  
Dallas County, Texas

By: COURTNEY RUTLEDGE, Deputy

**Attorney for Plaintiff  
CHARLES STAM**  
LIGHTFOOT FRANKLIN & WHITE LLC  
1885 SAINT JAMES PLACE  
SUITE 1150  
HOUSTON TX 77056  
713-960-1488

**CSTAM@LIGHTFOOTLAW.COM**

**DALLAS COUNTY  
SERVICE FEES  
NOT PAID**

**Exhibit "A"**

## OFFICER'S RETURN

Case No. : DC-21-12138

Court No.14th District Court

Style: JERMAINE JACKSON

vs.

ABRAHAM SOLOMON ARAYA

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ .M. Executed at \_\_\_\_\_,  
within the County of \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ .M. on the \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_\_, by delivering to the within named \_\_\_\_\_

each in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by  
me in serving such process was \_\_\_\_\_ miles and my fees are as follows: To certify which witness my hand.

For serving Citation \$ \_\_\_\_\_

For mileage \$ \_\_\_\_\_ of \_\_\_\_\_ County, \_\_\_\_\_

For Notary \$ \_\_\_\_\_ By \_\_\_\_\_ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said \_\_\_\_\_ before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_,  
to certify which witness my hand and seal of office.

\_\_\_\_\_  
Notary Public \_\_\_\_\_ County \_\_\_\_\_

**Exhibit "A"**

**FORM NO. 353-3 - CITATION  
THE STATE OF TEXAS**

To: **ABRAHAM SOLOMON ARAYA**  
4780 OLD LANTERN WAY  
CHARLOTTE NC 28212

**GREETINGS:**

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and **FIRST AMENDED** petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org. Your answer should be addressed to the clerk of the **14th District Court** at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **JERMAINE JACKSON**

Filed in said Court **1st day of October, 2021** against

**ABRAHAM SOLOMON ARAYA AND SNA TRUCKING, LLC**

For Suit, said suit being numbered **DC-21-12138**, the nature of which demand is as follows:  
Suit on **MOTOR VEHICLE ACCIDENT** etc. as shown on said petition, a copy of which accompanies this citation.  
If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.  
Given under my hand and the Seal of said Court at office this 17th day of November, 2021.

ATTEST: FELICIA PITRE, Clerk of the District Courts of Dallas, County, Texas

By *Courtney Rutledge*, Deputy  
COURTNEY RUTLEDGE



**ESERVE**

**CITATION**

**DC-21-12138**

**JERMAINE JACKSON**  
vs.  
**ABRAHAM SOLOMON ARAYA, et al**

ISSUED THIS  
17th day of November, 2021

FELICIA PITRE  
Clerk District Courts,  
Dallas County, Texas

By: COURTNEY RUTLEDGE, Deputy

Attorney for Plaintiff  
**MICHAEL EDWARD STREICH**  
500 DALLAS ST STE 1300  
HOUSTON TX 77002  
713-626-1386  
**MICHAEL.STREICH@PHELPS.COM**

**DALLAS COUNTY  
SERVICE FEES  
NOT PAID**

CAUSE NO. DC-21-12138

JERMAINE JACKSON,	§	IN THE DISTRICT COURT OF
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	DALLAS COUNTY, TEXAS
	§	
ABRAHAM SOLOMON ARAYA,	§	
	§	
<i>Defendants.</i>	§	14th JUDICIAL DISTRICT

**PLAINTIFF'S FIRST AMENDED PETITION**

Plaintiff Jermaine Jackson files this First Amended Petition complaining of the acts or omissions of Defendants, Abraham Solomon Araya and SNA Trucking, LLC, and respectfully shows the Court as follows:

**I.  
DISCOVERY CONTROL PLAN LEVEL**

1. Plaintiff intends that discovery be conducted under Discovery Level 3.

**II.  
PARTIES & SERVICE**

2. Plaintiff Jermaine Jackson is an individual residing in Texas. He may be contacted through his counsel of record, ZEHL & ASSOCIATES, P.C.

3. Defendant Abraham Solomon Araya is an individual. He may be served at 4780 Old Lantern Way, Charlotte, North Carolina 28212, or wherever else he may be found.

4. Defendant SNA Trucking, LLC ("SNA") is a foreign limited liability company doing business in the State of Texas with its principal office and place of business located at 4381 Central Avenue, Apartment E, Charlotte, North Carolina 28205.

5. Defendants Mr. Araya and SNA are nonresidents under section 17.041 of the Texas Civil Practice & Remedies Code. On information and belief, Mr. Araya and SNA do business in

**Exhibit "A"**



Texas and this lawsuit arises from a tort Mr. Araya and SNA committed in Texas. As such, this lawsuit arises out of business in Texas to which Mr. Araya and SNA were a party. Therefore, the Texas Secretary of State is Mr. Araya's and SNA's agent for service of process. Service of process directed at Mr. Araya and SNA can be effectuated served through the Texas Secretary of State via the procedures outlined in sections 17.044(a)(3) and 17.045 of the Texas Civil Practice and Remedies Code, section 5.252 of the Texas Business Organizations Code, and other applicable law. Plaintiff requests a citation.

### **III. MISNOMER/ALTER EGO**

6. If any parties are misnamed or not included here, Plaintiff contends that such an omission is a "misidentification," "misnomer," or an "alter ego" of the parties named here. Under Texas Rule of Civil Procedure 28, Plaintiff may sue any entity doing business under an assumed name may in its assumed name to enforce a substantive right against it.

### **IV. JURISDICTION & VENUE**

7. The subject matter in controversy is within the jurisdictional limits of this Court.

8. This Court has personal jurisdiction over Defendants because all or a substantial part of the events giving rise to this dispute occurred within the State of Texas.

9. Venue is proper and maintainable in Dallas County, Texas, under Section 15.002(a)(1) of the Texas Civil Practice and Remedies Code because it is where all or a substantial part of the events or omissions giving rise to the claim occurred.

### **V. FACTS**

10. On August 19, 2021, at around 12:35 p.m., Plaintiff was driving a 2016 Dodge Charger at the 33900 block of Interstate Highway 20 in Dallas County, Texas. Meanwhile,

Defendant Abraham Solomon Araya was driving a 2013 Freightliner tractor trailer one lane to the left of Plaintiff. Upon information and belief, Mr. Araya's 2013 Freightliner was owned or otherwise controlled by Defendant SNA.

11. Mr. Araya attempted an illegal lane change. Rather than turning from the right lane, he turned right from the left lane, striking Mr. Jackson's Charger and deploying its airbag.



A photograph depicting Plaintiff's Charger after the wreck.

12. Mr. Araya was operating this large commercial unit in the course and scope of his employment or statutory employment with SNA, within his duties for SNA, or both.

13. Mr. Araya—in attempting an unsafe lane change with a semi-trailer on a 60 MPH road—created a dangerous hazard that seriously injured Plaintiff, which is why investigating officer J. Juarez of the Dallas County Sheriff's Department faulted Mr. Araya for causing the wreck, observing that Mr. Araya had attempt "an unsafe lane change."

14. As a result of this crash, Plaintiff sustained injuries that he continues to suffer from.

#### **VI. NEGLIGENCE OF MR. ARAYA**

15. Plaintiff incorporates all other paragraphs by reference here fully.



16. Mr. Araya, the driver of a commercial motor vehicle, had a duty to exercise the degree of care that a reasonably careful and prudent person would use to avoid harm to others under circumstances like those described above.

17. Mr. Araya's negligent, careless, and reckless disregard of this duty proximately caused Plaintiff's injuries.

18. The negligent, reckless, and careless disregard of this duty consisted of, but is not limited to, these acts and omissions:

- a. failing to keep proper lookout for Plaintiff's vehicle that a person of ordinary prudence would have maintained under the same or similar circumstances;
- b. failing to apply the brakes to his motor vehicle in a timely and prudent manner or wholly failing to apply his brakes in order to avoid the collision;
- c. making an improper, erratic, and unsafe lane change in violation of § 545.060 of the Texas Transportation Code;
- d. failing to control speed in violation of § 545.351 of the Texas Transportation Code;
- e. failing to make a prudent evasive maneuver to avoid a motor vehicle collision;
- f. violating the Texas Transportation Code;
- g. violating the Federal Motor Carrier Safety Regulations; and
- h. other acts considered negligent, as discovery of this case will reveal.

## **VII. RESPONDEAT SUPERIOR**

19. Plaintiff incorporates all other paragraphs by reference here fully.

20. Whenever Plaintiff alleges that SNA did or failed to do an act or omission, Plaintiff means that SNA, acting individually, or by and through agents, officers, directors, servants, and

employees, either did or failed to do that particular act or omission. This applies to acts or omissions by Mr. Araya, in the course and scope of his employment, agency, or contract to advance SNA's business.

21. At the time of the collision, and right before it, Mr. Araya was within the course and scope of his employment with SNA.

22. At the time of the collision, and just before it, Mr. Araya was engaged in accomplishing a task for which SNA employed him.

23. Additionally, Mr. Araya was a statutory employee of SNA under 49 C.F.R. §§ 376.11–12, 390.5 et seq., 37 Tex. Admin. Code § 4.11 et seq., and other applicable laws.

24. Thus, under the doctrine of respondeat superior, SNA is vicariously liable for Mr. Araya's conduct.

### **VIII. NEGLIGENCE OF SNA**

25. Plaintiff incorporates all other paragraphs by reference here fully.

26. The statutory violations and negligent acts and omissions of Mr. Araya and SNA, separately and collectively, were a direct and proximate cause of this incident and the resulting injuries and damages sustained by Plaintiff. Any statutory violations constitute negligence per se. More specifically, Mr. Araya and SNA violated the Texas Transportation Code and the Federal Motor Carrier Safety Regulations.

27. Mr. Araya and SNA's violations of these rules and statutes created the very risk of injury to Plaintiff that state and federal standards were designed to protect against. Such negligence proximately caused Plaintiff's injuries and damages.

28. SNA's negligent acts and omission also include, without limitation:

- a. negligently entrusting the vehicle to Mr. Araya when SNA knew or should have known that Mr. Araya was an incompetent driver, unqualified to drive a commercial motor vehicle, and inadequately trained;
- b. negligently hiring and entrusting incompetent drivers, including Mr. Araya, with the right to operate a commercial motor vehicle;
- c. negligently failing to properly train Mr. Araya in the operation of the subject vehicle;
- d. negligently supervising Mr. Araya;
- e. negligently training Mr. Araya;
- f. failing to do what a reasonably prudent motor carrier would do under the same and similar circumstances;
- g. violating the Texas Transportation Code, the Texas Department of Public Safety's Commercial Vehicle Regulations, and the Federal Motor Carrier Safety Regulations; and
- h. such other acts of negligence, which will be established as the case progresses.

29. SNA's conduct reflects a reckless disregard for the safety of others—including Plaintiff—and conscious indifference to the rights, welfare, and safety of Texas drivers. Such negligence proximately caused Plaintiff's injuries.

#### **IX. GROSS NEGLIGENCE**

30. Plaintiff incorporates all other paragraphs by reference here fully.

31. Plaintiff respectfully would show that SNA's gross negligence, acting by and through its employees, agents, drivers, officers, and representatives in the course of employment, including Mr. Araya, caused Plaintiff's injuries and damages.

32. Plaintiff would continue to show that these acts and omissions, when viewed from the standpoint of SNA and Mr. Araya, involved an extreme degree of risk, considering the probability and magnitude of the potential harm to Plaintiff and others. SNA and Mr. Araya had

actual, subjective awareness of the risks of its conduct, but still proceeded with conscious indifference to the rights, safety, or welfare of Plaintiff and others.

33. Thus, SNA and Mr. Araya are grossly negligent and should face exemplary damages.

#### **X. DAMAGES**

34. Plaintiff incorporates all other paragraphs by reference here fully.

35. As a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiff has suffered severe injuries and incurred these damages:

- a. Reasonable medical care and expenses in the past. Plaintiff incurred these expenses for the necessary care and treatment of his injuries resulting from the incident complained of here and such charges are reasonable and were usual and customary charges for such services;
- b. Reasonable and necessary medical care and expenses which, in all reasonable probability, Plaintiff will incur;
- c. Physical pain and suffering in the past and future;
- d. Physical impairment in the past, which, in all reasonable probability, Plaintiff will continue to suffer from in the future;
- e. Mental anguish in the past and future;
- f. Disfigurement in the past and future;
- g. Cost of medical monitoring and prevention in the future;
- h. Lost wages in the past;
- i. Loss of future earning capacity which Plaintiff will probably suffer; and
- j. All other damages to which Plaintiff shows entitlement in law or equity through the course of this proceeding.



**XI.  
EXEMPLARY DAMAGES**

36. Plaintiff incorporates all other paragraphs by reference here fully.

37. The acts or omissions described above, when viewed from the standpoint of Defendants at the time of the act or omission, involved an extreme degree of risk, considering the probability and magnitude of the potential harm to Plaintiff and others. Defendants had actual, subjective awareness of the risk involved in these acts or omissions, yet proceeded with conscious indifference to the rights, safety, or welfare of Plaintiff and others.

38. Based on these facts, Plaintiff requests exemplary damages.

**XII.  
RULE 47 STATEMENT OF MONETARY RELIEF SOUGHT**

39. Plaintiff prefers to have the Jury determine the fair amount of compensation for Plaintiff's damages. It is too early in the case to assess the full nature and scope of Plaintiff's injuries and the effect they will have. Plaintiff, therefore, requests that the Jury decide the appropriate amount of Plaintiff's compensation.

40. Because, however, Texas Rule of Civil Procedure 47 *requires* Plaintiff to identify the amount of monetary relief sought, Plaintiff preliminarily requests over \$1,000,000 in damages.

**XIII.  
NOTICE OF INTENT TO USE DISCOVERY AT TRIAL**

41. Under Texas Rule of Civil Procedure 193.7, Plaintiff gives notice that he intends to use all discovery instruments produced in discovery at trial, including—without limitation—all documents that Defendants produce in response to written discovery requests.

**XIV.  
JURY TRIAL**

42. Plaintiff requests a trial by jury on all claims and has paid or will pay the jury fee.

**XV.  
CONCLUSION & PRAYER**

For these reasons, Plaintiff Jermaine Jackson requests that Defendants, Abraham Solomon Araya and SNA Trucking, LLC, be cited to appear and answer and that, upon a final hearing of the cause, the Court enter judgment for Plaintiff against Defendants for damages in an amount within the jurisdictional limits of the Court; exemplary damages, excluding interest, as allowed by section 41.008 of the Texas Civil Practice and Remedies Code, together with prejudgment interest (from the date of injury through the date of judgment) at the maximum rate allowed by the law; post judgment interest at the legal rate; costs of court; and such other relief which the Court determines Plaintiff may be entitled at law or in equity.

Respectfully submitted,

/s/ Charles M. Stam

Michael Streich

Texas State Bar No. 24079408

mstreich@zehllaw.com

Charles M. Stam

Texas State Bar No. 24106462

cstam@zehllaw.com

ZEHL & ASSOCIATES, PC

2700 Post Oak Blvd., Suite 1000

Houston, Texas 77056

Telephone 713.491.6064

Facsimile 713.583.8545

**ATTORNEYS FOR PLAINTIFF**

**Request for Issuance of Service**CASE NUMBER: DC-21-12138CURRENT COURT: 14th Judicial DistrictName(s) of Documents to be served: Plaintiff's First Amended PetitionFILE DATE: 10/1/2021 Month/Day/Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

Issue Service to: SNA Trucking, LLCAddress of Service: PO Box 12079City, State & Zip: Austin, TX 78711-2079Agent (if applicable) Secretary of State of Texas

TYPE OF SERVICE/PROCESS TO BE ISSUED: (Check the proper Box)

- ☒ Citation    ☐ Citation by Posting    ☐ Citation by Publication    ☐ Citations Rule 106 Service  
☐ Citation Scire Facias    Newspaper \_\_\_\_\_  
☐ Temporary Restraining Order    ☐ Precept    ☐ Notice  
☐ Protective Order  
☐ Secretary of State Citation (\$12.00)    ☐ Capias (not by E-Issuance)    ☐ Attachment (not by E-Issuance)  
☐ Certiorari    ☐ Highway Commission (\$12.00)  
☐ Commissioner of Insurance (\$12.00)    ☐ Hague Convention (\$16.00)    ☐ Garnishment  
☐ Habeas Corpus (not by E-Issuance)    ☐ Injunction    ☐ Sequestration  
☐ Subpoena  
☐ Other (Please Describe) \_\_\_\_\_

(See additional Forms for Post Judgment Service)

**SERVICE BY (check one):**

- ☐ ATTORNEY PICK-UP (phone) \_\_\_\_\_  
☐ MAIL to attorney at: \_\_\_\_\_  
☐ CONSTABLE  
☐ CERTIFIED MAIL by District Clerk  
☒ E-Issuance by District Clerk  
     (No Service Copy Fees Charged)  
**Note: The email registered with EfileTexas.gov must be used to retrieve the E-Issuance Service Documents. Visit [www.hcdistrictclerk.com](http://www.hcdistrictclerk.com) for more instructions.**  
☐ CIVIL PROCESS SERVER - Authorized Person to Pick-up: \_\_\_\_\_ Phone: \_\_\_\_\_  
☐ OTHER, explain \_\_\_\_\_

Issuance of Service Requested By: Attorney/Party Name: Michael E. Streich Bar # or ID 24079408Mailing Address: 2700 Post Oak Blvd, Suite 1000, Houston, TX 77056Phone Number: 713-491-6064**Exhibit "A"**



14<sup>TH</sup> JUDICIAL DISTRICT COURT  
GEORGE L. ALLEN COURTS BUILDING  
600 COMMERCE STREET  
DALLAS, TEXAS 75202-4604

October 12, 2021

File Copy

DC-21-12138

JERMAINE JACKSON vs. ABRAHAM SOLOMON ARAYA, et al

ALL COUNSEL OF RECORD AND PRO SE PARTIES:

The above case is set for dismissal, pursuant to Rule 165A, Texas Rules of Civil procedure and pursuant to the inherent power of the Court, on:

**November 15, 2021 at 1:30 PM**

If no answer has been filed you are expected to have moved for a default judgment on or prior to that date. Your failure to have done so will result in the dismissal of the case on the above date.

If you have been unable to obtain service of process and you wish to retain the case on the docket, you must appear on the above date, unless you have obtained a new setting from the court coordinator.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric V. Moyé", is written over a horizontal line.

ERIC V. MOYÉ, DISTRICT JUDGE  
14<sup>TH</sup> DISTRICT COURT  
Dallas County, Texas

Cc:

MICHAEL EDWARD STREICH  
500 DALLAS ST STE 1300  
HOUSTON TX 77002

---

**Exhibit "A"**





Zehl &amp; Associates PC

Galleria Tower I  
2700 Post Oak Blvd.  
Houston, Texas 77056  
Main: (713) 491-6064  
Facsimile: (713) 583-8545  
[www.zehllaw.com](http://www.zehllaw.com)

October 26, 2021

**Via Electronic Service**

ATTN: Clerk of Court:

14th Judicial District Court, Dallas County, Texas

*Re: Cause Number: DC-21-12138 Jackson v. Abraham Solomon Araya, et.al*In the 14<sup>th</sup> District Court, Dallas County, Texas.

Dear Clerk,

Please allow this correspondence to serve as a supplemental payment of \$4.00 for my previous request for issuance of citation to SNA Trucking, LLC.

Should you have any questions or concerns, please email [lsheffer@zehllaw.com](mailto:lsheffer@zehllaw.com) or contact me at 281-301-1935 for assistance.

Sincerely,

**ZEHL & ASSOCIATES, PC****/s/ LILA SHEFFER**

Lila Sheffer

Senior Paralegal

**Exhibit "A"**

**Request for Issuance of Service**CASE NUMBER: DC-21-12138 CURRENT COURT: 14th District Court, Dallas CountyName(s) of Documents to be served: Plaintiff's First Amended PetitionFILE DATE: 10/1/2021 Month/Day/Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

Issue Service to: Abraham Solomon ArayaAddress of Service: 4780 Old Lantern WayCity, State & Zip: Charlotte, North Carolina 28212

Agent (if applicable) \_\_\_\_\_

TYPE OF SERVICE/PROCESS TO BE ISSUED: (Check the proper Box)

- ☒ Citation    ☐ Citation by Posting    ☐ Citation by Publication    ☐ Citations Rule 106 Service  
☐ Citation Scire Facias    Newspaper \_\_\_\_\_  
☐ Temporary Restraining Order    ☐ Precept    ☐ Notice  
☐ Protective Order  
☐ Secretary of State Citation (\$12.00)    ☐ Capias (not by E-Issuance)    ☐ Attachment (not by E-Issuance)  
☐ Certiorari    ☐ Highway Commission (\$12.00)  
☐ Commissioner of Insurance (\$12.00)    ☐ Hague Convention (\$16.00)    ☐ Garnishment  
☐ Habeas Corpus (not by E-Issuance)    ☐ Injunction    ☐ Sequestration  
☐ Subpoena  
☐ Other (Please Describe) \_\_\_\_\_

(See additional Forms for Post Judgment Service)

**SERVICE BY (check one):**

- ☐ ATTORNEY PICK-UP (phone) \_\_\_\_\_  
☐ MAIL to attorney at: \_\_\_\_\_  
☐ CONSTABLE  
☐ CERTIFIED MAIL by District Clerk  
☒ E-Issuance by District Clerk  
     (No Service Copy Fees Charged)  
**Note: The email registered with EfileTexas.gov must be used to retrieve the E-Issuance Service Documents. Visit [www.hcdistrictclerk.com](http://www.hcdistrictclerk.com) for more instructions.**  
☐ CIVIL PROCESS SERVER - Authorized Person to Pick-up: \_\_\_\_\_ Phone: \_\_\_\_\_  
☐ OTHER, explain \_\_\_\_\_

Issuance of Service Requested By: Attorney/Party Name: Michael E. Streich Bar # or ID 24079408Mailing Address: 2700 Post Oak Blvd, Suite 1000, Houston, TX 77056Phone Number: 713-491-6064**Exhibit "A"**

**FORM NO. 353-3 - CITATION  
THE STATE OF TEXAS**

**To: ABRAHAM SOLOMON ARAYA  
4780 OLD LANTERN WAY  
CHARLOTTE, NORTH CAROLINA 28212**

**GREETINGS:**

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and **PLAINTIFF'S FIRST AMENDED PETITION**, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org. Your answer should be addressed to the clerk of the **14th District Court** at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **JERMAINE JACKSON**

Filed in said Court **1st day of October, 2021** against

**ABRAHAM SOLOMON ARAYA AND SNA TRUCKING, LLC**

For Suit, said suit being numbered **DC-21-12138**, the nature of which demand is as follows:  
Suit on **MOTOR VEHICLE ACCIDENT** etc. as shown on said petition, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.  
Given under my hand and the Seal of said Court at office this 1st day of November, 2021.

ATTEST: FELICIA PITRE, Clerk of the District Courts of Dallas, County, Texas

By \_\_\_\_\_, Deputy  
ANGELA CONEJO



**ESERVE**

**CITATION**

**DC-21-12138**

**JERMAINE JACKSON**

**vs.**

**ABRAHAM SOLOMON ARAYA, et al**

**ISSUED THIS  
1st day of November, 2021**

**FELICIA PITRE  
Clerk District Courts,  
Dallas County, Texas**

By: ANGELA CONEJO, Deputy

**Attorney for Plaintiff  
CHARLES M. STAM  
ZEHL & ASSOCIATES, PC  
2700 POST OAK BLVD., SUITE 1000  
HOUSTON, TEXAS 77056  
(713) 491-6064  
[cstam@zehllaw.com](mailto:cstam@zehllaw.com)**

**DALLAS COUNTY  
SERVICE FEES  
NOT PAID**

**Exhibit "A"**

## OFFICER'S RETURN

Case No. : DC-21-12138

Court No.14th District Court

Style: JERMAINE JACKSON

vs.

ABRAHAM SOLOMON ARAYA, et al

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ .M. Executed at \_\_\_\_\_,  
within the County of \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ .M. on the \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_\_, by delivering to the within named \_\_\_\_\_

each in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by  
me in serving such process was \_\_\_\_\_ miles and my fees are as follows: To certify which witness my hand.

For serving Citation \$ \_\_\_\_\_

For mileage \$ \_\_\_\_\_ of \_\_\_\_\_ County, \_\_\_\_\_

For Notary \$ \_\_\_\_\_ By \_\_\_\_\_ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said \_\_\_\_\_ before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_,

to certify which witness my hand and seal of office.

\_\_\_\_\_  
Notary Public \_\_\_\_\_ County \_\_\_\_\_

**Exhibit "A"**



**FORM NO. 3534 CITATION  
THE STATE OF TEXAS**

**To: SNA TRUCKING, LLC  
BY SERVING THE TEXAS SECRETARY OF STATE  
OFFICE OF THE TEXAS SECRETARY OF STATE  
CITATIONS UNIT - P.O. BOX 12079  
AUSTIN, TEXAS, 78711**

**GREETINGS:**

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and **PLAINTIFF'S FIRST AMENDED PETITION**, a default judgment may be taken against you.

In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org. Your answer should be addressed to the clerk of the **14th District Court** at 600 Commerce Street, Dallas Texas, 75202.

Said **PLAINTIFF** being **JERMAINE JACKSON**

Filed in said Court on the **1st day of October, 2021** against

**ABRAHAM SOLOMON ARAYA AND SNA TRUCKING, LLC**

For suit, said suit being numbered **DC-21-12138** the nature of which demand is as follows:

Suit On **MOTOR VEHICLE ACCIDENT** etc.

as shown on said petition a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.

Given under my hand and the Seal of said Court at office **on this the 1st day of November, 2021**

ATTEST: FELICIA PITRE Clerk of the District Courts of Dallas, County, Texas

By \_\_\_\_\_, Deputy

**ANGELA CONEJO**



**ESERVE (SOS)**

**CITATION**

No.: **DC-21-12138**

**JERMAINE JACKSON**

vs.

**ABRAHAM SOLOMON ARAYA, et al**

**ISSUED  
ON THIS THE 1<sup>ST</sup> DAY OF  
NOVEMBER, 2021**

FELICIA PITRE  
Clerk District Courts,  
Dallas County, Texas

By **ANGELA CONEJO**, Deputy

Attorney for : Plaintiff  
**CHARLES M. STAM**  
**ZEHL & ASSOCIATES, PC**  
**2700 POST OAK BLVD., SUITE 1000**  
**HOUSTON, TEXAS 77056**  
(713) 491-6064  
[cstam@zehllaw.com](mailto:cstam@zehllaw.com)

**DALLAS COUNTY  
SERVICE FEES  
NOT PAID**

## OFFICER'S RETURN FOR INDIVIDUALS

Cause No. DC-21-12138  
Court No: 14th District Court  
Style: JERMAINE JACKSON vs. ABRAHAM SOLOMON ARAYA, et al

Received this Citation the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ o'clock. Executed at \_\_\_\_\_, within the County of \_\_\_\_\_, State of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock, by \_\_\_\_\_ delivering to the within named \_\_\_\_\_ each in person, a copy of this Citation together with the accompanying copy of Plaintiff's original petition, having first indorsed on same the date of delivery.

-----000000-----  
**OFFICER'S RETURN  
 FOR CORPORATIONS**

Received this Citation the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_ .M. Executed at \_\_\_\_\_, within the County of \_\_\_\_\_, State of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_ .M. by summoning the within named Corporation, \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_ President - Vice President - Registered Agent - in person, of the said \_\_\_\_\_

a true copy of this citation together with the accompanying copy of Plaintiff's FIRST AMENDED original petition, having first indorsed on same the date of delivery.

-----000000-----

The distance actually traveled by me in serving such process was \_\_\_\_\_ miles and my fees are as follows:      To certify which witness by my hand.

For Serving Citation	\$ _____	Sheriff _____
For Mileage	\$ _____	County of _____
For Notary	\$ _____	State of _____
Total Fees	\$ _____	By _____

(Must be verified if served outside the State of Texas)

State of \_\_\_\_\_  
County of \_\_\_\_\_

Signed and sworn to me by the said \_\_\_\_\_ before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, to certify which witness my hand and seal of office.

Seal

State &amp; County of

## Exhibit "A"

**Request for Issuance of Service**CASE NUMBER: DC-21-12138CURRENT COURT: 14th District Court, Dallas CountyName(s) of Documents to be served: Plaintiff's First Amended PetitionFILE DATE: 10/1/2021 Month/Day/Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

Issue Service to: Abraham Solomon ArayaAddress of Service: 4780 Old Lantern WayCity, State & Zip: Charlotte, North Carolina 28212

Agent (if applicable) \_\_\_\_\_

TYPE OF SERVICE/PROCESS TO BE ISSUED: (Check the proper Box)

- ☒ Citation    ☐ Citation by Posting    ☐ Citation by Publication    ☐ Citations Rule 106 Service
- ☐ Citation Scire Facias    Newspaper \_\_\_\_\_
- ☐ Temporary Restraining Order    ☐ Precept    ☐ Notice
- ☐ Protective Order
- ☐ Secretary of State Citation (\$12.00)    ☐ Capias (not by E-Issuance)    ☐ Attachment (not by E-Issuance)
- ☐ Certiorari    ☐ Highway Commission (\$12.00)
- ☐ Commissioner of Insurance (\$12.00)    ☐ Hague Convention (\$16.00)    ☐ Garnishment
- ☐ Habeas Corpus (not by E-Issuance)    ☐ Injunction    ☐ Sequestration
- ☐ Subpoena
- ☐ Other (Please Describe) \_\_\_\_\_

(See additional Forms for Post Judgment Service)

**SERVICE BY (check one):**

- ☐ ATTORNEY PICK-UP (phone) \_\_\_\_\_
- ☐ MAIL to attorney at: \_\_\_\_\_
- ☐ CONSTABLE
- ☐ CERTIFIED MAIL by District Clerk
- ☒ E-Issuance by District Clerk  
(No Service Copy Fees Charged)
- Note: The email registered with EfileTexas.gov must be used to retrieve the E-Issuance Service Documents. Visit [www.hcdistrictclerk.com](http://www.hcdistrictclerk.com) for more instructions.**
- ☐ CIVIL PROCESS SERVER - Authorized Person to Pick-up: \_\_\_\_\_ Phone: \_\_\_\_\_
- ☐ OTHER, explain \_\_\_\_\_

Issuance of Service Requested By: Attorney/Party Name: Michael E. Streich Bar # or ID 24079408Mailing Address: 2700 Post Oak Blvd, Suite 1000, Houston, TX 77056Phone Number: 713-491-6064**Exhibit "A"**



1 CIT/SOS/ESERVE

## Request for Issuance of Service

**CASE NUMBER:** DC-21-12138

**CURRENT COURT:** 14th Judicial District

**Name(s) of Documents to be served:** Plaintiff's First Amended Petition

**FILE DATE:** 10/1/2021                      Month/Day/Year

**SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):**

**Issue Service to:** SNA Trucking, LLC

**Address of Service:** PO Box 12079

City, State &amp; Zip: Austin, TX 78711-2079

Agent (if applicable) Secretary of State of Texas

**TYPE OF SERVICE/PROCESS TO BE ISSUED:** (Check the proper Box)

- ☒ Citation   
 ☐ Citation by Posting   
 ☐ Citation by Publication   
 ☐ Citations Rule 106 Service  
☐ Citation Scire Facias   
 Newspaper \_\_\_\_\_  
☐ Temporary Restraining Order   
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☐ Protective Order  
☐ Secretary of State Citation (\$12.00)   
☐ Capias (not by E-Issuance)   
☐ Attachment (not by E-Issuance)  
☐ Certiorari   
☐ Highway Commission (\$12.00)  
☐ Commissioner of Insurance (\$12.00)   
☐ Hague Convention (\$16.00)   
☐ Garnishment  
☐ Habeas Corpus (not by E-Issuance)   
☐ Injunction   
☐ Sequestration  
☐ Subpoena  
☐ Other (Please Describe)

**(See additional Forms for Post Judgment Service)**

**SERVICE BY (check one):**

- |  |   |
|--|---|
| <input type="checkbox"/> ATTORNEY PICK-UP (phone) _____  | <input checked="" type="checkbox"/> E-Issuance by District Clerk<br>(No Service Copy Fees Charged)  |
| <input type="checkbox"/> MAIL to attorney at: _____  | <b>Note:</b> The email registered with EfileTexas.gov must be used to retrieve the E-Issuance Service Documents.<br>Visit <a href="http://www.hcdistrictclerk.com">www.hcdistrictclerk.com</a> for more instructions. |
| <input type="checkbox"/> CONSTABLE   |   |
| <input type="checkbox"/> CERTIFIED MAIL by District Clerk  |   |
| <input type="checkbox"/> CIVIL PROCESS SERVER - Authorized Person to Pick-up: _____ Phone: _____ |   |
| <input type="checkbox"/> OTHER, <i>explain</i> _____   |   |

**Issuance of Service Requested By:** Attorney/Party Name: Michael E. Streich Bar # or ID 24079408

**Mailing Address:** 2700 Post Oak Blvd, Suite 1000, Houston, TX 77056

Phone Number: 713-491-6064

## Exhibit "A"





14<sup>TH</sup> JUDICIAL DISTRICT COURT  
GEORGE L. ALLEN COURTS BUILDING  
600 COMMERCE STREET  
DALLAS, TEXAS 75202-4604

November 15, 2021

File Copy

DC-21-12138

JERMAINE JACKSON vs. ABRAHAM SOLOMON ARAYA, et al

ALL COUNSEL OF RECORD AND PRO SE PARTIES:

The above case is set for dismissal, pursuant to Rule 165A, Texas Rules of Civil procedure and pursuant to the inherent power of the Court, on:

**December 13, 2021 at 1:30 PM**

If no answer has been filed you are expected to have moved for a default judgment on or prior to that date. Your failure to have done so will result in the dismissal of the case on the above date.

If you have been unable to obtain service of process and you wish to retain the case on the docket, you must appear on the above date, unless you have obtained a new setting from the court coordinator.

Sincerely,

A handwritten signature in dark ink, appearing to read "Eric V. Moyé", is written over a horizontal line.

ERIC V. MOYÉ, DISTRICT JUDGE  
14<sup>TH</sup> DISTRICT COURT  
Dallas County, Texas

Cc:

MICHAEL EDWARD STREICH  
500 DALLAS ST STE 1300  
HOUSTON TX 77002

---

**Exhibit "A"**

**Exhibit "A"**



14<sup>TH</sup> JUDICIAL DISTRICT COURT  
GEORGE L. ALLEN COURTS BUILDING  
600 COMMERCE STREET  
DALLAS, TEXAS 75202-4604

November 15, 2021

MICHAEL EDWARD STREICH  
500 DALLAS ST STE 1300  
HOUSTON TX 77002

DC-21-12138

JERMAINE JACKSON vs. ABRAHAM SOLOMON ARAYA, et al

---

ALL COUNSEL OF RECORD AND PRO SE PARTIES:

The above case is set for dismissal, pursuant to Rule 165A, Texas Rules of Civil procedure and pursuant to the inherent power of the Court, on:

**December 13, 2021 at 1:30 PM**

If no answer has been filed you are expected to have moved for a default judgment on or prior to that date. Your failure to have done so will result in the dismissal of the case on the above date.

If you have been unable to obtain service of process and you wish to retain the case on the docket, you must appear on the above date, unless you have obtained a new setting from the court coordinator.

Sincerely,

---

A handwritten signature in black ink, appearing to read "Eric V. Moyé", is written over a horizontal line.

ERIC V. MOYÉ, DISTRICT JUDGE  
14<sup>TH</sup> DISTRICT COURT  
Dallas County, Texas

**Exhibit "A"**

**CAUSE NO. DC-21-12138**

JERMAINE JACKSON  
**PLAINTIFF**

VS.

ABRAHAM SOLOMON ARAYA  
**DEFENDANT**

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

IN THE 14th District Court

DALLAS COUNTY, TX

**RETURN OF SERVICE**

**ON Wednesday, November 17, 2021 AT 4:41 PM**

TWO COPIES OF: CITATION, PLAINTIFF'S FIRST AMENDED PETITION; CHECK TO THE TEXAS SECRETARY OF STATE for service on SNA TRUCKING, LLC C/O THE SECRETARY OF STATE came to hand.

**ON Monday, November 22, 2021 AT 3:20 PM, I, ADRIANA ADAM, PERSONALLY DELIVERED THE ABOVE-NAMED DOCUMENTS TO:** SNA TRUCKING, LLC C/O THE SECRETARY OF STATE, by delivering to Web Jerome, 1019 BRAZOS, AUSTIN, TRAVIS COUNTY, TX 78701.

My name is ADRIANA ADAM. My address is 1201 Louisiana, Suite 370, Houston, TX 77002. I am a private process server certified by the Texas Judicial Branch Certification Commission (PSC 17714, expires 10/31/2023). My e-mail address is info@easy-serve.com. My date of birth is 3/30/1992. I am in all ways competent to make this statement, and this statement is based on personal knowledge. I am not a party to this case and have no interest in its outcome. I declare under penalty of perjury that the foregoing is true and correct.

Executed in TRAVIS COUNTY, TX on Monday, November 22, 2021.

/S/ ADRIANA ADAM

Jermaine Jackson v. Abraham Solomon Araya et al.

Doc ID: 288312\_1

**Exhibit "A"**

To: SNA TRUCKING, LLC  
BY SERVING THE SECRETARY OF STATE  
OFFICE OF THE SECRETARY OF STATE  
CITATIONS UNIT - P.O. BOX 12079  
AUSTIN, TX, 78711

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and **FIRST** petition, a default judgment may be taken against you.

In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org. Your answer should be addressed to the clerk of the **14th District Court** at 600 Commerce Street, Dallas Texas, 75202.

Said **PLAINTIFF** being **JERMAINE JACKSON**

Filed in said Court on the **1st day of October, 2021** against

**ABRAHAM SOLOMON ARAYA; SNA TRUCKING, LLC**

For suit, said suit being numbered **DC-21-12138** the nature of which demand is as follows:

Suit On **MOTOR VEHICLE ACCIDENT** etc.

as shown on said petition a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.

Given under my hand and the Seal of said Court at office **on this the 17th day of November, 2021**

ATTEST: FELICIA PITRE Clerk of the District Courts of Dallas, County, Texas

By , Deputy  
**COURTNEY RUTLEDGE**



CITATION

No.: **DC-21-12138**

**JERMAINE JACKSON**

vs.

**ABRAHAM SOLOMON ARAYA, et al**

ISSUED

**ON THIS THE 17TH DAY OF  
NOVEMBER, 2021**

FELICIA PITRE  
Clerk District Courts,  
Dallas County, Texas

By **COURTNEY RUTLEDGE**, Deputy

Attorney for : Plaintiff

**MICHAEL EDWARD STREICH**

500 DALLAS ST STE 1300

HOUSTON TX 77002

713-626-1386

[MICHAEL.STREICH@PHELPS.COM](mailto:MICHAEL.STREICH@PHELPS.COM)

**DALLAS COUNTY  
SERVICE FEES  
NOT PAID**



**CAUSE NO. DC-21-12138****JERMAINE JACKSON,  
PLAINTIFF**

VS.

**ABRAHAM SOLOMON ARAYA,  
DEFENDANT**§  
§  
§  
§  
§  
§  
§  
§

IN THE 14TH DISTRICT COURT

DALLAS COUNTY, TX

**RETURN OF SERVICE**


**BEFORE ME**, the undersigned authority, on this day, **MICHAEL VANKEUREN**, personally appeared before me and stated under oath as follows:

My name is **MICHAEL VANKEUREN**. I am over the age of eighteen (18), I am not a party to this case, and have no interest in its outcome. I am in all ways competent to make this statement, and this statement is based on personal knowledge. The facts stated herein are true and correct.

**ON Wednesday, November 17, 2021 AT 03:43 PM - CITATION, PLAINTIFF'S FIRST AMENDED PETITION CAME TO HAND.**

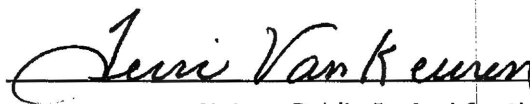
**ON Saturday, December 4, 2021 AT 11:05 AM - THE ABOVE NAMED DOCUMENTS WERE DELIVERED TO: ABRAHAM SOLOMON ARAYA, 4780 OLD LANTERN WAY, CHARLOTTE, MECKLENBURG COUNTY, NC, 28212 BY PERSONAL DELIVERY.**

**FURTHER AFFIANT SAYETH NOT.**



**Michael Vankeuren, Affiant**

Before me personally appeared the above-named affiant, who, being first duly sworn, stated upon oath that the above-stated facts are true and correct and within his or her personal knowledge, and subscribed the same on this 7 day of December, 2021.



Notary Public In And for the State of North  
Carolina

Terri VanKeuren  
Notary Public  
Cabarrus County  
North Carolina

My Commission Expires March 21, 2022

DocID: 288311-1

Jermaine Jackson v. Abraham Solomon Araya et al.

**Exhibit "A"**

**FORM NO. 353-3 - CITATION  
THE STATE OF TEXAS**

**To: ABRAHAM SOLOMON ARAYA  
4780 OLD LANTERN WAY  
CHARLOTTE NC 28212**

**GREETINGS:**

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and **FIRST AMENDED** petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org. Your answer should be addressed to the clerk of the **14th District Court** at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **JERMAINE JACKSON**

Filed in said Court **1st day of October, 2021** against

**ABRAHAM SOLOMON ARAYA AND SNA TRUCKING, LLC**

For Suit, said suit being numbered **DC-21-12138**, the nature of which demand is as follows:  
Suit on **MOTOR VEHICLE ACCIDENT** etc. as shown on said petition, a copy of which accompanies this citation.  
If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.  
Given under my hand and the Seal of said Court at office this 17th day of November, 2021.

ATTEST: FELICIA PITRE, Clerk of the District Courts of Dallas, County, Texas

By , Deputy  
COURTNEY RUTLEDGE



**ESERVE**

**CITATION**

**DC-21-12138**

**JERMAINE JACKSON**

**vs.**

**ABRAHAM SOLOMON ARAYA, et al**

**ISSUED THIS  
17th day of November, 2021**

**FELICIA PITRE  
Clerk District Courts,  
Dallas County, Texas**

By: COURTNEY RUTLEDGE, Deputy

**Attorney for Plaintiff  
MICHAEL EDWARD STREICH  
500 DALLAS ST STE 1300  
HOUSTON TX 77002  
713-626-1386**

**MICHAEL.STREICH@PHELPS.COM**

**DALLAS COUNTY  
SERVICE FEES  
NOT PAID**



14<sup>TH</sup> JUDICIAL DISTRICT COURT  
GEORGE L. ALLEN COURTS BUILDING  
600 COMMERCE STREET  
DALLAS, TEXAS 75202-4604

December 13, 2021

File Copy

DC-21-12138

JERMAINE JACKSON vs. ABRAHAM SOLOMON ARAYA, et al

ALL COUNSEL OF RECORD AND PRO SE PARTIES:

The above case is set for dismissal, pursuant to Rule 165A, Texas Rules of Civil procedure and pursuant to the inherent power of the Court, on:

**January 12, 2022 at 2:00 PM**

If no answer has been filed you are expected to have moved for a default judgment on or prior to that date. Your failure to have done so will result in the dismissal of the case on the above date.

If you have been unable to obtain service of process and you wish to retain the case on the docket, you must appear on the above date, unless you have obtained a new setting from the court coordinator.

Sincerely,

A handwritten signature in dark ink, appearing to read "Eric V. Moyé", is written over a horizontal line.

ERIC V. MOYÉ, DISTRICT JUDGE  
14<sup>TH</sup> DISTRICT COURT  
Dallas County, Texas

Cc:

MICHAEL EDWARD STREICH  
500 DALLAS ST STE 1300  
HOUSTON TX 77002

---

**Exhibit "A"**

CIT.14661

**CAUSE NO. DC-21-12138**

**JERMAINE JACKSON,**

*Plaintiff,*

**vs.**

**ABRAHAM SOLOMON ARAYA,**

*Defendants.*

§ **IN THE DISTRICT COURT OF**

§

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**DALLAS COUNTY, TEXAS**

**14<sup>TH</sup> JUDICIAL DISTRICT**

**DEFENDANT ABRAHAM SOLOMON ARAYA'S ORIGINAL ANSWER**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW **ABRAHAM SOLOMON ARAYA**, a named Defendant in the above entitled and numbered cause, and files this his Original Answer, and for same would respectfully show unto the Court as follows:

**I.**

**GENERAL DENIAL**

1. Defendant denies each and every, all and singular, the material allegations contained within Plaintiff's pleadings and demands strict proof thereof.

**II.**

**JURY DEMAND**

2. In accordance with Rule 216 of the Texas Rules of Civil Procedure, Defendant demands a trial by jury. A jury fee has already been paid.

**III.**

**AFFIRMATIVE DEFENSES**

3. Defendant affirmatively pleads that the jury should consider the comparative fault or causative negligence of any other party, settling party, designated responsible third party and/or non-party, for their actions or inactions as they relate to the events made the basis of this lawsuit and Plaintiff's claims and alleged damages.

4. Defendant specifically pleads the affirmative defense of contributory negligence and alleges that the damages sustained by Plaintiff, if any, were proximately caused in whole or in part by the conduct of Plaintiff or by any other party, settling party, designated responsible third party and/or non-party. Defendant asserts that he is entitled to a reduction of damages awarded to the Plaintiff, if any, pursuant to the doctrines of contributory negligence and comparative responsibility set forth in Chapter 33 of the Texas Civil Practice & Remedies Code.

5. Defendant affirmatively pleads that he is entitled to an offset and credit in the amount of any settlements obtained by Plaintiff for the claims in this matter from any other parties.

6. Defendant would show that Plaintiff is limited to the recovery of medical expenses that are both reasonable and necessary, and further that such recovery is limited to those medical expenses actually “paid or incurred” pursuant to Texas Civil Practice & Remedies Code §41.0105.

7. Defendant would show that Plaintiff is limited in any attempt for the recovery of lost earnings and/or earnings capacity pursuant to Texas Civil Practice & Remedies Code §18.091.

8. Defendant asserts that any award to Plaintiff should not include pre-judgment interest because any delay in the trial of the case has not been caused by Defendant. Accordingly, an award of pre-judgment interest would be unreasonable and improper given the circumstances of the case.

9. Defendant contests that the subject accident resulted in all of the injuries and damages now alleged by the Plaintiff. Defendant would show that Plaintiff’s claims of physical and/or mental ailments in this cause were, in whole or in part, proximately caused by prior and/or subsequent accidents, events, or occurrences and not the motor vehicle accident that serves the basis of this lawsuit.

10. Defendant contends that Plaintiff did not use ordinary care in reducing or avoiding his alleged damages, and thus failed to mitigate his damages, if any.



**IV.**  
**PUNITIVE AND STATUTORY DAMAGES AND FINES**

11. Defendant affirmatively pleads that, under the provisions of the Texas Civil Practice and Remedies Code, Plaintiff is barred from recovering punitive damages from this Defendant. In the alternative, Defendant pleads the applicable statutes place a limitation or "cap" on the punitive damages or statutory damages which Plaintiff seeks. Furthermore, in response to all claims to punitive or statutory damages, Defendant affirmatively pleads the right to due process and the prohibition against excessive fines and penalties under both the United States and Texas Constitutions.

**V.**  
**OBJECTION TO PLAINTIFF'S RULE 193.7 NOTICE**

11. Defendant objects to Plaintiff's Rule 193.7 Notice contained in Plaintiff's Original Petition as premature and improper. Tex. R. Civ. P. 193.7 provides a producing party ten (10) days from the date actual notice that a document will be used to object to the authenticity of a document. Defendant has been provided with no actual notice of Plaintiff's intent to use any particular document, and thus has no ability to object to such document's authenticity. As discovery is just beginning in this matter, Defendant cannot conceive the scope and or breadth of the documents which may be produced in this litigation, and therefore does not waive its right to raise a good faith objection to the authenticity of a document or portion of a document which may nonetheless be responsive to Plaintiff's written discovery requests. Additionally, Defendant's notice period to object to Plaintiff's general notice expired *before* the date its responsive pleading to the Original Petition is due.

**VI.**  
**PRAYER**

**WHEREFORE, PREMISES CONSIDERED,** Defendant **ABRAHAM SOLOMON ARAYA** prays that the Plaintiff take nothing by this suit, that Defendant go hence with his costs

without delay, and for such other and further relief, both general and special, at law and in equity, to which Defendant may show himself justly entitled.

Respectfully submitted,

**FEE, SMITH, SHARP & VITULLO, L.L.P**



---

**DANIEL M. KARP**  
State Bar No. 24012937  
[dkarp@feesmith.com](mailto:dkarp@feesmith.com)  
Three Galleria Tower  
13155 Noel Road, Suite 1000  
Dallas, Texas 75240  
972-980-3293  
972-934-9200 [Fax]

**ATTORNEYS FOR DEFENDANT  
ABRAHAM SOLOMON ARAYA**

**CERTIFICATE OF SERVICE**

THIS WILL CERTIFY that a true and correct copy of the foregoing instrument has been electronically served upon all attorneys of record in this cause of action on the 17<sup>th</sup> day of December 2021.

**Via ECF:**  
**Michael Streich**  
**Charles M. Stam**  
Zehl & Associates, PC  
2700 Post Oak Blvd., Ste. 1000  
Houston, TX 77056  
713-491-6064  
713-583-8545 - fax  
[mstreich@zehllaw.com](mailto:mstreich@zehllaw.com)  
[cstam@zehllaw.com](mailto:cstam@zehllaw.com)  
*Attorneys for Plaintiff*



---

**DANIEL M. KARP**

**Automated Certificate of eService**

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Sandra Hinton on behalf of Dan Karp  
 Bar No. 24012937  
 shinton@feesmith.com  
 Envelope ID: 60125213  
 Status as of 12/17/2021 1:22 PM CST

Associated Case Party: JERMAINE JACKSON

Name	BarNumber	Email	TimestampSubmitted	Status
Ryan H.Zehl		eservice@zehllaw.com	12/17/2021 10:24:26 AM	SENT
Michael E.Streich		mstreich@zehllaw.com	12/17/2021 10:24:26 AM	SENT
Lila Sheffer		lsheffer@zehllaw.com	12/17/2021 10:24:26 AM	SENT

## Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
CHARLES STAM		CSTAM@LIGHTFOOTLAW.COM	12/17/2021 10:24:26 AM	SENT

Associated Case Party: SNA TRUCKING, LLC

Name	BarNumber	Email	TimestampSubmitted	Status
Daniel Karp		dkarp@feesmith.com	12/17/2021 10:24:26 AM	SENT
Sheila Daniel		sdaniel@feesmith.com	12/17/2021 10:24:26 AM	SENT

CIT.14661

**CAUSE NO. DC-21-12138****JERMAINE JACKSON,***Plaintiff,*

vs.

**ABRAHAM SOLOMON ARAYA,***Defendants.*§ **IN THE DISTRICT COURT OF**

§

§

§

§ **DALLAS COUNTY, TEXAS**

§

§

§

§ **14<sup>TH</sup> JUDICIAL DISTRICT****DEFENDANT SNA TRUCKING, LLC'S ORIGINAL ANSWER**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW **SNA TRUCKING, LLC**, a named Defendant in the above entitled and numbered cause, and files this its Original Answer, and for same would respectfully show unto the Court as follows:

**I.****GENERAL DENIAL**

1. Defendant denies each and every, all and singular, the material allegations contained within Plaintiff's pleadings and demands strict proof thereof.

**II.****JURY DEMAND**

2. In accordance with Rule 216 of the Texas Rules of Civil Procedure, Defendant demands a trial by jury. Simultaneously with the filing of this Answer, the jury is paid.

**III.****AFFIRMATIVE DEFENSES**

3. Defendant affirmatively pleads that the jury should consider the comparative fault or causative negligence of any other party, settling party, designated responsible third party and/or non-party, for their actions or inactions as they relate to the events made the basis of this lawsuit and Plaintiff's claims and alleged damages.

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9. Defendant contests that the subject accident resulted in all of the injuries and damages now alleged by the Plaintiff. Defendant would show that Plaintiff’s claims of physical and/or mental ailments in this cause were, in whole or in part, proximately caused by prior and/or subsequent accidents, events, or occurrences and not the motor vehicle accident that serves the basis of this lawsuit.

10. Defendant contends that Plaintiff did not use ordinary care in reducing or avoiding his alleged damages, and thus failed to mitigate his damages, if any.



**IV.**  
**PUNITIVE AND STATUTORY DAMAGES AND FINES**

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**VI.**  
**PRAYER**

**WHEREFORE, PREMISES CONSIDERED,** Defendant SNA TRUCKING, LLC prays that the Plaintiff take nothing by this suit, that Defendant go hence with its costs without delay,

and for such other and further relief, both general and special, at law and in equity, to which Defendant may show itself justly entitled.

Respectfully submitted,

**FEE, SMITH, SHARP & VITULLO, L.L.P**



---

**DANIEL M. KARP**  
State Bar No. 24012937  
[dkarp@feesmith.com](mailto:dkarp@feesmith.com)  
Three Galleria Tower  
13155 Noel Road, Suite 1000  
Dallas, Texas 75240  
972-980-3293  
972-934-9200 [Fax]

**ATTORNEYS FOR DEFENDANT  
SNA TRUCKING, LLC**

**CERTIFICATE OF SERVICE**

THIS WILL CERTIFY that a true and correct copy of the foregoing instrument has been electronically served upon all attorneys of record in this cause of action on the 17<sup>th</sup> day of December 2021.

**Via ECF:**  
**Michael Streich**  
**Charles M. Stam**  
Zehl & Associates, PC  
2700 Post Oak Blvd., Ste. 1000  
Houston, TX 77056  
713-491-6064  
713-583-8545 - fax  
[mstreich@zehllaw.com](mailto:mstreich@zehllaw.com)  
[cstam@zehllaw.com](mailto:cstam@zehllaw.com)  
*Attorneys for Plaintiff*



---

**DANIEL M. KARP**

**Automated Certificate of eService**

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Sandra Hinton on behalf of Dan Karp  
 Bar No. 24012937  
 shinton@feesmith.com  
 Envelope ID: 60124647  
 Status as of 12/17/2021 1:14 PM CST

Associated Case Party: JERMAINE JACKSON

Name	BarNumber	Email	TimestampSubmitted	Status
Ryan H.Zehl		eservice@zehllaw.com	12/17/2021 10:17:02 AM	SENT
Michael E.Streich		mstreich@zehllaw.com	12/17/2021 10:17:02 AM	SENT
Lila Sheffer		lsheffer@zehllaw.com	12/17/2021 10:17:02 AM	SENT

## Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
CHARLES STAM		CSTAM@LIGHTFOOTLAW.COM	12/17/2021 10:17:02 AM	SENT

Associated Case Party: SNA TRUCKING, LLC

Name	BarNumber	Email	TimestampSubmitted	Status
Sheila Daniel		sdaniel@feesmith.com	12/17/2021 10:17:02 AM	SENT
Daniel Karp		dkarp@feesmith.com	12/17/2021 10:17:02 AM	SENT



FELICIA PITRE  
DALLAS COUNTY DISTRICT CLERK

NINA MOUNTIQUE  
CHIEF DEPUTY

**CAUSE NO. DC-21-12138**

JERMAINE JACKSON

VS.

ABRAHAM SOLOMON ARAYA, et al

14th District Court

**ENTER DEMAND FOR JURY**

JURY FEE PAID BY: SNA TRUCKING, LLC

FEE PAID: \$40.00

600 COMMERCE STREET DALLAS, TEXAS 75202 (214) 653-7261  
FAX (214)653-7781 E-mail: Felicia.Pitre@dallascounty.org  
Web site: <http://www.dallascounty.org/distclerk/index.html>

**Exhibit "A"**